

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 159 OF 2003

Rajesh Verma & Ors. Petitioners.
vs.

The Municipal Corporation of
Greater Bombay & Ors. Respondents.

Mr. M.V. Palan with Mr. Dave i/by M/s. Dave & Co.
for petitioners.

Ms. Aruna Savla for Respondent BMC.

Mr. Shekhar Ingawale for Respondent State.

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Coram: J.N. PATEL &
A.A. SAYED, JJ.

Date: 23RD APRIL, 2007.

P.C.

. Heard.

2. The petitioners have invoked the extra-ordinary jurisdiction of this Court aggrieved by the order of the respondent i.e. the Local Planning Authority for demolition of the unauthorised construction. The petitioners have an alternative remedy under section 47 of the Maharashtra Regional and Town Planning Act, 1966

to prefer an appeal to the State Government or an officer appointed by the State Government in this behalf. Therefore, we are not inclined to interfere in the matter in our writ jurisdiction. The petition is dismissed.

3. The learned counsel for the petitioners submits that he would prefer an appeal within four weeks and in the meantime the parties be directed to maintain status quo. The parties to maintain status quo for a period of four weeks. We make it clear that if no appeal is preferred in the matter and interim orders are obtained from the State, then, this order would stand vacated without reference to the Court and no intervention in the matter would be entertained.

(J.N. Patel, J.)

(A.A. Sayed, J.)